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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-sixth session

DOCUMENTS SUBMITTED IN COMPLIANCE WITH
A SPECIAL DECISION OF THE COMMITTEE*

Federal Republic of Yugoslavia

[29 August 1994]

1. The Government of the Federal Republic of Yugoslavia, fully aware of its commitments vis-à-vis the Committee on the Elimination of Racial Discrimination pursuant to article 9, paragraph 1 of the Convention, and particularly of the conclusions and observations which the Committee endorsed at its forty-third session, wishes hereby to present the supplement to the special report on the application of the provisions of the Convention.

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* By a decision of 19 March 1993, the Committee expressed its grave concern over the ongoing ethnic conflict in the territory of the former Yugoslavia and requested successor Governments to submit further information on the implementation of the Convention as a matter of urgency. The information submitted by the Federal Republic of Yugoslavia is contained in document CERD/C/248. The Committee considered that information at its 1003rd to 1006th meetings on 13 and 16 August 1993 (see CERD/C/SR.1003-1006) and adopted concluding observations at its 1012th meeting on 20 August 1993 (see A/48/18, paras. 531-547). The present document contains additional information requested by the Committee on measures taken to implement the provisions of the Convention, particularly in view of those concluding observations.

2. The Government of the Federal Republic of Yugoslavia, which holds that the citizen and his rights and freedoms are the principal values of any State, including the Federal Republic of Yugoslavia, has defined the question of the implementation and protection of human rights and minority rights as its priority concern. The extent to which the promotion of human rights is understood as a task of vital importance to the development of democracy in the Yugoslav community is also evidenced by the setting up of a new ministry for human and minority rights at the federal level which has been in operation as a Federal Ministry ever since the constitution of the agencies of government administration of the Federal Republic of Yugoslavia.

3. In fact, the former Socialist Federal Republic of Yugoslavia had ratified almost all international acts ensuring the exercise of human and minority rights. On the other hand, even in the then Yugoslav community the question was topical of the discrepancy between the letter of valid laws and their actual enforcement, given the then rule of an authoritarian system of government administration in which human rights, as in all other Communist countries, were not in conformity with the internationally recognized standards.

4. In this connection, the Federal Republic of Yugoslavia, pledging to fulfil in good faith and on the basis of its uninterrupted continuity vis-à-vis the Socialist Federal Republic of Yugoslavia all the commitments undertaken by the Socialist Federal Republic of Yugoslavia, found itself facing two tasks. First, to carry on work on the harmonization of its legislation with the highest international standards which guarantee human rights and freedoms, as well as to lay the groundwork for the ratification of the international acts which the Socialist Federal Republic of Yugoslavia had not ratified (for instance, the Optional Protocol to the International Covenant on Civil and Political Rights) and, second, to ensure full and unhindered enforcement of its own legislation, i.e. to secure the rule of law including the application of all international acts which it is bound by.

5. As for the first task, an important novelty has been introduced in the area of protection of one of the fundamental rights - the right to life. Namely, bearing in mind that the Constitution of the Federal Republic of Yugoslavia stipulates that capital punishment cannot be meted out for any of the criminal offences sanctioned by federal statute, the Federal Government has proposed amendments to the Criminal Code of the Federal Republic of Yugoslavia whereby this sanction has been abolished for any criminal offences set forth in that Code, as well as in other federal laws. The revision of this Code was endorsed in July 1993, much earlier than the date on which the deadline for the harmonization of the Criminal Law with the Constitution of the Federal Republic of Yugoslavia - 31 December 1994 - ran out, for the Federal Government, as the mover, held that the prescribed deadline was too long and that the not yet agreed provisions of this Law and the Constitution gave way to possible different interpretations regarding their enforcement in practice, thus providing scope for possible abuse.

6. As for new legislation, work is under way on the drafting of a law on minority rights, a law on the official use of languages and scripts, as well as on the revision of the Law on Criminal Proceedings, whereby the said regulations will be brought into line with the Constitution of the Federal Republic of Yugoslavia, which proceeds from the main principles enshrined in relevant international acts.

7. As for the second task, i.e. to ensure the rule of law, the Federal Government is also cognizant of the fact that the problem involving the exercise of and respect for human rights and the rights of minorities does not stem from the country's domestic legislation, which can in principle be said to reflect international commitments taken by the country, but precisely from the way it is enforced. The Federal Government wishes to bring to the attention of the distinguished Committee members two reasons which have been gravely impeding the effective implementation of human rights and the rights of minorities in Yugoslav society.

8. The principal reason is undoubtedly the secession and the civil war which has for over two years been raging in the territory of the former Socialist Federal Republic of Yugoslavia. The second reason concerns the enforcement of sanctions by the United Nations Security Council and the unilateral approach to the Federal Republic of Yugoslavia adopted by the international community on 1 June 1992.

9. The consequences of the tragic conflict are evident and will, regrettably, affect everyday life in our country for a long time to come. They have afflicted all walks of life and this, along with a dramatic decline in living standards, has led to the increase in the crime rate and a general feeling of insecurity. On the other hand, the large inflow of refugees from war-torn areas, currently around 500,000 registered and another 200,000 unregistered in the Federal Republic of Yugoslavia, has been further aggravating the already grave situation. The bulk of the refugee population is made up of persons belonging to the Serb nationality, though this category also includes 36,000 Muslims, 10,000 Croats and some 45,000 Yugoslavs, Jews, Hungarians, Romanies, Bulgarians, Albanians and others. In certain areas, this influx of refugees has provoked mistrust and intolerance among the citizens of the Federal Republic of Yugoslavia who belong to national minorities. However, the authorities of the Federal Republic of Yugoslavia have complied with all international documents which prohibit discrimination on any account, including nationality affiliation.

10. The civil war in the territory of the former Yugoslavia has led to further exacerbation of relations in the Autonomous Province of Kosovo and Metohija between the Albanians on the one hand and the Republic of Serbia and Yugoslavia on the other. Persons belonging to certain political groupings, who regard themselves as representatives of the Albanian minority and who express their views, expect that the present crisis in this part of the Balkan peninsula will enable them to achieve their separatist goal, a separate Kosovo and Metohija, and deny the territorial integrity of that part of the Republic of Serbia and the Federal Republic of Yugoslavia. Thus, for some time, the human rights of both the Serb and Montenegrin populations, which constitute a minority in the Autonomous Province of Kosovo and Metohija relative to the

Albanian population, have been under threat, whereas particular rights from among those granted to the Albanian minority have, by the enforcement of provisions regulating the preservation of the territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia, been temporarily limited.

11. Apart from all this, the Federal Government wishes to stress on this occasion as well that the policy of ethnic cleansing has never been pursued on the territory of the Federal Republic of Yugoslavia. There have been, as indicated, attempts made by individual ultra-nationalists or more or less organized groups, pressure applied on minority populations so as to make them abandon their homes. These were exceptional incidents rather than the rule or the outcome of any systematic and organized pressure. Some of those persons have been tried and convicted and they will be referred to later on in more detail.

12. The second major problem facing the Federal Government which affects to a considerable degree the exercise of human rights in general, including minority rights, are the sanctions imposed against our State by the Security Council. The distinguished Committee members probably know the extent to which the sanctions have affected the dramatic fall in living standards in the Federal Republic of Yugoslavia and jeopardized the right to life of its citizens. Particularly hard hit are children, the elderly and the sick for whom society is no longer able to make provisions at the rate it used to before the sanctions were imposed. Furthermore, the enterprise sector has largely come to a halt and the crime rate is up. The primary task which the Federal Government is currently pursuing is to provide normal living conditions for Yugoslav citizens (through implementation of the anti-inflationary programme and through economic recovery reform initiated on 24 January 1994) as well as to pave the way for the rule of law in general as, for the above-mentioned reasons, the effective and efficient protection of human and minority rights have been called into question.

Autonomous Province of Kosovo and Metohija

13. As for the problems besetting the Autonomous Province of Kosovo and Metohija, the Federal Government wishes to take this opportunity to thank the esteemed members of the Committee for the understanding shown in assessing the situation and especially for the clearly expressed view that the Committee does not in any manner encourage unilateral trends towards separatism or secession.

14. The Constitution of the Republic of Serbia defines this Republic as a democratic State of all the citizens living in it, based on civil freedoms and human rights, with the sovereignty belonging to all its citizens. The Autonomous Province of Kosovo and Metohija, as well as the Autonomous Province of Vojvodina, have been constituted in conformity with their distinctive national, historic, cultural and other characteristics and it is in them that citizens implement their constitutional and legal rights and duties. They

have a status of territorial autonomy, 1/ and the right to regulate matters of importance to economic development, financing, culture, education, the use of language, health care and social security, etc. The Statute is the supreme legal act of an autonomous province, and its organs include the Assembly, the Executive Council and the agencies of government administration. Persons belonging to the Albanian minority living outside the territory of the Autonomous Province of Kosovo and Metohija but within the Republic of Serbia and the Republic of Montenegro exercise their rights as guaranteed by the constitutions of these two republics and take part in their parliamentary deliberations.

15. The Constitution of the Republic of Serbia and the Constitution of the Federal Republic of Yugoslavia guarantee the highest standards in the area of protection of civil and human rights, including national minority rights. However, a large share of Albanians either do not use those rights or obstruct them on orders issued by certain representatives of the Albanian minority who regard themselves as the representatives of all Albanians living in Kosovo and Metohija, and whose aim it is to secede from the Republic of Serbia and the Federal Republic of Yugoslavia. Guided by that goal, Albanian separatist leaders have created a parallel government system, the so-called "Republic of Kosovo", and are in part responsible for the absence of the Albanian population from the 1991 population census, as well as for the non-use by them of their election rights during the vote for the government authorities of the Republic of Serbia and the Federal Republic of Yugoslavia in the period from 1990 up to the latest elections held on 19 December 1993. (They failed to turn up for the republic elections three times, for the federal election twice and were also absent from the local elections.)

16. In pursuit of their goal, the Albanian separatist forces organized in 1981 the well-known violent mass demonstrations (the use of force against the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Serbia was not condemned by the international forums at that time); the barricading of mineworkers in shafts; and the abuse of children for the purpose of simulating mass poisoning of exclusively Albanian children in schools (the biological cause which acts on a nationality basis has not been isolated to date by any domestic or international health organization). The last straw was the illegal referendum and the adoption of the so-called "Kačanik Constitution" in 1991 and the election of a segregationist parliament, inaccessible to non-Albanians in Kosovo and Metohija. Soon after this, in May the following year, the presidential election was held in the "newly-formed republic" and the leader of the Democratic Party of Kosovo (DSK) was elected

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1/ No international-legal act gives the right to a national minority to have its own territorial autonomy (which the Constitution of the Republic of Serbia de jure does with respect to the Albanian national minority). The highest standards in this domain (the CSCE Copenhagen Conference on the Human Dimension) provide for the possibility of constituting local or autonomous administrative organs which correspond to the specific historic and territorial conditions for those minorities and are in tune with the policy pursued by the State concerned.

as the first President. The self-same DSK called on the Albanian national minority in the same month, as well as in December of the same year, to boycott the elections in the Republic of Serbia for the deputies to the Parliaments in the Federal Republic of Yugoslavia.

17. Pursuant to its constitutional and legal commitments, but also in the spirit of international instruments, i.e. articles 37 and 40, item 3 of the document adopted at the Copenhagen session of the Conference on Security and Cooperation in Europe (CSCE), Conference on the Human Dimension, the Charter of the United Nations and the Charter of Paris, the Republic of Serbia and Yugoslavia had to protect their territorial integrity, their legal and constitutional set-up, as well as the non-Albanians and the Albanian population who offered resistance in Kosovo and Metohija to discrimination and threats to their ethnic, cultural, linguistic and religious identity, and to their property, and who opposed certain groups of Albanian secessionists and terrorists which had set as their ultimate goal the overthrow of the set-up of the Republic of Serbia (annex I.6 to the Paris Charter), by suspending for a specified time period the Assembly and the Executive Council of the Socialist Autonomous Province (SAP) of Kosovo and Metohija, but not its territorial autonomy. Meanwhile, the Republic of Serbia repealed the laws on the temporary suspension of the Assembly and the Executive Council of SAP Kosovo, as well as the Law on the Suspension of the Presidency of the SAP Kosovo, whereby conditions were re-established for the calling of provincial elections and the constitution of the provincial administration, i.e. the Assembly and its executive, which the representatives of the Albanian minority did not wish to make use of.

18. In the period between 1981 and 1988 (in the Socialist Autonomous Province of the Socialist Federal Republic of Yugoslavia) illegal Albanian terrorist groups committed over 500 assaults on military personnel and their families, along with 80 assaults on military units and 251 assaults on military installations. Nine illegal terrorist organizations and 93 groups were uncovered. A number of individual terrorist assaults were carried out by Albanians against persons belonging to the then Yugoslav People's Army (JNA) - several privates of the then JNA belonging to the Serb, Croat, Muslim and other nationalities were insidiously shot down in the barracks at Paracin. Searches led to the seizure of 5,000 guns, 427 military and 74 amateur rifles, 7 semi-automatic rifles, 117 hand grenades, 1,446 hunting rifles (without licence), 8,000 kilograms of explosives and 146 detonators. The data covering the period from 1988 to date have not been sorted out, but already point to the dramatic deterioration of the situation in this regard.

19. What is important is that the Federal Republic of Yugoslavia has strictly complied with the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Punishment or Treatment and that not a single case of death has been reported from the prisons in Kosovo and Metohija on account of alleged abuse. Currently 119 persons are on trial, suspected of having committed criminal offences against the constitutional order and security of the Federal Republic of Yugoslavia, namely: three persons for the criminal offence of sabotage; 116 persons for association and preparation to commit the criminal offence of violating territorial integrity. The perpetrators resorted to the formation of paramilitary units; illegal procurement and keeping of large quantities of armaments, ammunition, explosives and medical supplies designed

to help the armed struggle against the armed forces of Serbia and Yugoslavia; organized distribution of propaganda materials calling for armed struggle; and organized fund-raising campaigns so as to purchase weaponry, ammunition and uniforms. They also formed illegal paramilitary armed formations in threesomes; organized illegal military training; introduced record-keeping on persons fit for military service; arranged for the setting up of numerous headquarters; drew up instructions on armed rebellion; developed mobilization plans; organized a military headquarters of the so-called Republic of Kosovo, etc.

20. In the period 1981-1988, over 28,000 Serbs and Montenegrins were forced to abandon their homes in the pervading atmosphere of fear, disinformation and the resulting instability, disorder, rape and plunder by Albanian terrorist-separatist forces.

21. As compared to the situation before the Second World War where the share of Serbs in the population was on a par with that of Albanians, the latter share has quadrupled. Over 400,000 Serbs and Montenegrins had to move out of the province following Albanian terror during the Second World War, the decision by the Yugoslav post-war authorities to that effect and actions by Albanian separatists in the post-war period.

22. With regard to the complaints filed by the representatives of particular parties and the associations of the Kosovo and Metohija Albanians, which refer to the situation in the judiciary, the enterprise sector, government administration, schools and universities, as well as in the health services, the Federal Government wishes to highlight the following.

23. The National Assembly of the Republic of Serbia has appointed 48 judges and 10 public prosecutors of Albanian nationality, but 28 Albanian judges and 3 Albanian Public Prosecutors refused to take an oath of allegiance before the National Assembly, whereby they have disqualified themselves for the office. Under the Constitution of the Republic of Serbia there is only one Supreme Court of Serbia and only one republican Public Prosecutor, as the highest court and the highest prosecutor in the republic respectively.

24. The Law on the Official Use of Language and Script ("Official Gazette of the Republic of Serbia", No. 45/91) stipulates that:

> 1. Everyone shall have the right to use his native language in proceedings before administrative agencies and to be acquainted with the facts in that language; (art. 6)
>
> 2. Proceedings before administrative agencies shall be conducted also in a national minority language which is in official use at the agency concerned (art. 12, para. 2). In Kosovo and Metohija, the Albanian language is also used alongside Serbian. This means that court proceedings in the territory of the Autonomous Province of Kosovo and Metohija are also conducted in the Albanian language. Under the Criminal Code of the Republic of Serbia, any violation of the right to the use of language and script is a criminal offence. (The Extraordinary report of the Federal Republic of Yugoslavia on the application of the Convention

on the Elimination of all Forms of Racial Discrimination, which was reviewed in August 1993, contains data on the criminal proceedings regarding the mentioned criminal offence.)

25. The Republic of Serbia has not passed any decision on the closing down of schools with instruction in Albanian. The laws in effect today, as in the past, provide for the possibility that instruction be conducted in the languages of all minorities from pre-school to university levels. The main problem stems from the fact that the Kosovo and Metohija Albanians have refused to follow the school curricula approved by the competent ministries of the Republic of Serbia, and have developed their "parallel" system of education, issuing illegal school diplomas, often with the seal of the "Republic of Kosovo". It follows from all this that the Republic of Serbia and the Federal Republic of Yugoslavia have complied with the UNESCO Convention against Discrimination in Education.

26. The Federal Government adopted in the course of 1992 a comprehensive programme for the settlement of the problems in the sphere of education and culture and established a dialogue with the Albanians under the aegis of the Geneva Conference on Yugoslavia and at other meetings where the representatives of the Federal Government sought to accommodate the Albanians to the maximum extent possible by offering the following:

(a) To reach agreement which would guarantee to the maximum extent possible the preservation and development of the Albanians' cultural identity;

(b) To re-employ all Albanian teachers (with the exception of a small number of those who have committed a criminal offence);

(c) To recognize two school years to Albanian pupils which they have completed under the "parallel" and illegal system;

(d) That the Republic of Serbia shall undertake to finance all schools with instruction in the Albanian language;

(e) That instruction at all levels be conducted in the existing state-owned buildings designed for the purpose;

(f) To recognize the curriculum adopted in 1990.

27. The only demand by the representatives of the Federal and Republic Governments was for the Albanians to accept the federal and republic regulations and show respect for the reality that Kosovo and Metohija are an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia (as reasserted also by the London Conference on Yugoslavia). The proposals by the Federal and Republic Governments are still valid. However, it ineluctably follows from the dialogue so far that the Albanians do not wish the problems of schooling in Kosovo and Metohija to be effectively resolved, for the irregularity of instruction (involving some 310,000 pupils and students) is the principal argument which they invoke before the international community to prove that their human and national rights have been infringed upon. The Albanians who live outside the territory of the Autonomous Province of Kosovo and Metohija but within the Republic of Serbia regularly attend classes and

follow the curricula adopted by the Republic Government. In other words, the self-induced problems of the schooling system are abused for political purposes in the struggle to achieve the secessionist goal of "an independent Republic of Kosovo". More details and information on the problems of education for the Albanian minority are given in the annex.

28. The educational authorities of the Republic of Serbia are willing to meet with the representatives of the Commission for Human Rights, CERD, CSCE, UNESCO and other international organizations, to verify and establish the extent to which the allegations made by the Albanian secessionists are false.

29. The Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia guarantee the free choice of vocation and employment. Everyone is given equal access to a work post and an office in the society, under equal terms. Employment cannot be terminated against the will of a worker except under conditions and in the manner laid down by statute and the relevant collective contract. These rights are set forth in more detail in the Federal Law on the Basic Rights Stemming from Employment (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 60/89, 42/90 and Official Gazette of the Federal Republic of Yugoslavia, No. 42/92) and the Republic Labour Act (Official Gazette of the Republic of Serbia, No. 45/91) and the Law on Collective Contracts (Official Gazette of the Republic of Serbia, No. 6090 and 41/91).

30. The Constitution of the Federal Republic of Yugoslavia (art. 41) as well as the Constitution of the Republic of Serbia (art. 44) guarantee the freedom of trade union organization without previous approval, subject to entry in the registry of the competent agency. The federal and republic constitutions likewise guarantee (under art. 57 and art. 73 respectively) the right of the employed to strike in order to safeguard their professional and economic interests.

31. The above-mentioned freedoms and rights are elaborated in more detail and laid down by the federal and republic labour acts, the general collective contract concluded in the Republic of Serbia (Official Gazette of the Republic of Serbia, Nos. 18/90 and 10/92) and by the federal and republic laws on strikes (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 23/91, the Official Gazette of the Federal Republic of Yugoslavia, Nos. 42/92 and 37/93 and the Official Gazette of the Republic of Serbia, No. 45/91).

32. The year-long complex and very grave situation in the territory of Kosovo and Metohija, characterized by gross abuse of the rights of the Albanian national minority and direct territorial threats to the integrity of the country, as well as by extremely negative economic trends, have forced the authorities in Serbia and Yugoslavia to take appropriate stop-gap measures with a view to precluding secession and establishing the rule of law.

33. Accordingly, the Law on the Action of the Republic Agencies in Emergencies was passed (Official Gazette of the Socialist Republic of Serbia, No. 30/90) along with the Act on Employment in Emergencies (Official Gazette of the Socialist Republic of Serbia, Nos. 40/90 and 54/90) and a decision taken by the Assembly of the Socialist Republic of Serbia to the effect that

special circumstances have been established in the territory of the Socialist Autonomous Province of Kosovo and a number of decisions on taking stop-gap measures in enterprises.

34. The circumstances preceding the taking of the above-mentioned measures were as follows:

(a) The paralysis of the legal set-up and the imposed state of lawlessness;

(b) Persistent assaults on the lives and property of citizens of Serb and Montenegrin nationality (wilful taking of private and socially-owned land);

(c) Blatant and even armed assaults on the law-enforcement agency personnel;

(d) Blocking or making work difficult for a large number of enterprises by boycotting working duties, by organizing strikes, and the like;

(e) Failure to honour civil duties (default on tax liabilities, rent, electricity and other utility services);

(f) Display of civil disobedience (the Albanians, among other things, refused to give data during the last Yugoslav official population census in 1991, which is not only a civil duty but also Yugoslavia's international obligation vis-à-vis the United Nations);

(g) Constant and systematic incitement of ethnic intolerance, hatred and conflict, which posed a serious threat to the initiated democratization processes and to maintenance of peace and security in Kosovo and Metohija, in the Republic of Serbia and in Yugoslavia.

35. At the same time, the performance of the economy in Kosovo and Metohija for a number of years and in 1990 especially fell short of production potential and the level of additional investments by Yugoslavia and Serbia procured for the development of the province through the funds for the faster development of underdeveloped regions.

36. In the first semester of 1990 industrial production in Kosovo and Metohija fell by 22.5 per cent relative to the same period in 1989 (as compared to 10.9 per cent in Yugoslavia and 10.7 per cent in Serbia). A pronounced deterioration in product quality led to the building of commodity stocks which rose 4.3 times (2.5 times in Yugoslavia and 2.4 times in Serbia) and to a 22 per cent cut in the volume of exports (16.7 per cent in Yugoslavia and 16.8 per cent in Serbia), while the vigorous trend of rising imports was maintained at the level of 149.9 per cent.

37. The above-mentioned trends in material production caused a dramatic decline in the effects of all ongoing activities coupled with an increase in the economy's indebtedness ratio. Gross expenditures exceeded revenues.

Generated losses increased 28.3 times (15.9 times in Yugoslavia and 27.3 times in Serbia) and material losses, which rose 22.3 times (5.9 times in Yugoslavia and 4.9 times in Serbia) reached the share of 32 per cent of total losses.

38. The principles of economic operation have been totally degraded because each Dinar invested in production required an additional Din 1.4 for procurement of raw materials and for covering other production needs (as compared to Din 0.85 in Yugoslavia and Din 0.78 in Serbia). Income, gross profits and capital formation per worker reached no more than 47 per cent (as compared to 38.6 per cent in Yugoslavia and 50 per cent in Serbia) while net personal incomes remained at the level of around 85 per cent of the Yugoslav average. The already low capital formation capacity of the economy has been almost totally depleted.

39. The situation and relations in enterprises and various institutions in Kosovo and Metohija were in those days characterized by total absence of material and financial records, destruction and appropriation of socially-owned property and an inequitable status of workers belonging to the Serb and Montenegrin nationalities. Due to the appointment exclusively of Albanians to the management boards and leading positions, good quality was sacrificed for the sake of nationality quotas.

40. To offset the adverse trends in the economy and in the social services in Kosovo and Metohija and to revive economic activity and promote human relations by eliminating distinctions among workers according to nationality affiliation, the Socialist Republic of Serbia introduced stop-gap emergency measures in the period from 5 July-11 November 1990 which were designed to protect socially-owned property in 330 enterprises and in the social services in this province.

41. The basis for the taking of stop-gap measures was the provisions of the Law on the Action of Republic Organs in Emergencies. In the course of the adoption of relevant decisions the provisions of the provincial Law on Taking Stop-gap Measures for the Social Protection of Self-management Rights and Socially-owned Property were complied with (Official Gazette of the SAPK, Nos. 40/77, 52/86 and 21/88).

42. The task of the interim organs in enterprises was to quickly and efficiently remove any hindrance to the taking of business decisions, prevent any further unlawful appropriation and destruction of corporate assets and to organize the start-up of the interrupted production process and, in the long run, to adopt programmes of economic-financial consolidation.

43. In their work, the above-mentioned organs were faced with resistance and boycotting of their decisions by managers and workers of Albanian nationality who provoked deliberate damage, engaged in sabotage activities, theft, destruction of financial records and in organized absenteeism.

44. It should be pointed out that the above-mentioned provincial Law (like the republic one) on Taking Stop-gap Measures for the Social Protection of Self-management Rights and Social Property ceased to be valid on 28 June 1991 (Official Gazette of the Republic of Serbia, No. 38/91).

45. The Law on Labour in Emergencies was passed as part of a set of measures taken by the Republic of Serbia which were given limited legal force on the territory of the Socialist Republic of Serbia where special circumstances prevailed and for as long as those circumstances were in evidence. The decision of the Assembly of the Socialist Republic of Serbia on the special circumstances in the territory of SAP Kosovo was reached on 26 June 1990. The provisions of this law were applied to labour relations in the working communities of the administrative agencies, in enterprises, the organizations of social services and in other organizations and communities where stop-gap measures were taken to protect socially-owned assets.

46. The said law has widened the powers of high-ranking government officials and managers with regard to employment, permanent or temporary reappointment to another work post which corresponds to the employee's qualification and capabilities, as well as with regard to taking decisions on disciplinary measures against particular negligent workers. The law has further introduced more stringent disciplinary measures for such workers.

47. Invoking the above-mentioned law, employers in enterprises have also terminated employment contracts with a number of staff in conformity with the regulations and in the prescribed procedure. According to data of the competent provincial organs, the main reasons for dismissal at the employer's initiative were: deliberate interruption of the work process and abandoning the work post; obstructing other workers in the execution of their working assignments and duties; refusal to accept a reappointment decision; refusal to discharge working orders; persistent and unjustified tardiness.

48. The main initiator and organizer of mass walk-out campaigns by workers belonging to the national minority was the Union of Independent Trade Unions of Kosovo (UNSK). By signing the "Declaration of Kosovo's Independence" distributed massively among the Albanian population by this trade union, any signatory terminated his employment unilaterally and deliberately.

49. This state of affairs in the area of employment in Kosovo and Metohija was followed closely and came under intensive supervision by the inspection service. Labour inspectors established a number of cases where unlawful action was taken but the monitoring of unlawful phenomena and procedures would have been simpler and more efficient had the workers, as plaintiffs, demanded the protection of their rights through regular channels on a more massive scale.

50. The Labour Inspection Service in Kosovo and Metohija, which took care of appeals at the time, was staffed by nationally mixed personnel at the communal level. The communal labour inspectorates were made up of 14 Albanians, 14 Serbs and Montenegrins, 1 Turk and 1 Muslim. The Provincial Labour Inspectorate was made up of 2 Albanians, 1 Serb and 1 Turk, while an Albanian served as the chief provincial inspector.

51. According to the files of the labour inspection service, in 1990 the service was approached by 1 Albanian and 2 Serbs, and in 1991 by 6 Albanians and 23 Serbs, with the request to postpone the taking of final decisions on the termination of their employment until the relevant court decisions took

effect. These data clearly indicate that only a negligible number of dismissed workers of the Albanian national minority have complained to the inspectorates and that workers have been reluctant to do so on a larger scale.

52. Since mid-1992 a larger number of Albanian complaints have been registered with the labour inspectorates. The files of the communal labour inspectorates in the districts of Pristina, Kosovska Mitrovica, Prizren, Gnjilane and Peć for the period 1 April 1992-1 December 1993 show that a total of 183 dismissed persons lodged a complaint over dismissal in the first-instance procedure, of whom 129 were Serbs, 41 Albanians, 11 Muslims and 2 Bulgarians. In the same period, 137 persons filed complaints over reappointment in the first-instance procedure, of whom 105 were Serbs, 29 Albanians and 3 Muslims.

53. According to the files of the Ministry for Labour, Veterans' and Social Affairs of the Republic of Serbia, in the period under review complaints were lodged by 45 reappointed or dismissed persons in second-instance procedure, of whom 25 were Serbs, 15 Albanians and 3 Muslims.

54. However, on 5 March 1993 the Assembly of Serbia repealed the Law on Action by the Republic Organs in Emergencies and the Law on Labour Relations in Emergencies (Official Gazette of the Republic of Serbia, No. 18/93).

55. The freedom of trade union activities in the territory of Kosovo and Metohija is guaranteed by the federal and republic constitutions and the laws mentioned in item 1.

56. During the two months following the publication of the Decree on the Registration of Trade Union Organizations in the Republic of Serbia (Official Gazette of Republic of Serbia, No. 14/91), 792 trade unions were entered in the register, of which 5 were from Kosovo and Metohija, namely:

Union of trade unions of Kosovo and Metohija, Priština;

Journalists' trade union Niro Jedinstvo, Priština;

Independent trade union Niro Jedinstvo, Priština;

Trade union organization JP Elektroprivrede Kosova, Priština;

Trade union organization of the Elementary School ACA Marković, Kosovo Polje.

57. Even in the former Socialist Federal Republic of Yugoslavia, the Union of Independent Trade Unions of Kosovo (UNSK) with its seat in Priština filed an application and was entered as a social organization in the register of associations, social organizations and political organizations established for the territory of Yugoslavia.

58. Although a new constitution of the Republic of Serbia has since been promulgated, the above-mentioned trade union has failed to approach the competent agency of the Republic of Serbia to be entered in the register of trade union organizations in line with the Law on Collective Contracts

(Official Gazette of the Republic of Serbia, Nos. 6/90 and 45/91) and the above-mentioned Decree of the Republic of Serbia, thus boycotting the institutions of its system of authority. The reasons are exclusively of a political nature and the political platform of this trade union is secessionism. UNSK is a mononational organization which has primarily the features of a political party. The interests of its separatist policy outweigh the vital interests of Albanian workers and its methods of action affect most severely precisely those Albanian workers and citizens. By advocating work to rule, idleness, sabotage, by organizing massive walk-outs among workers and applying pressure on those who have not immediately joined hands with them, including violent extortion of membership fees, they have largely been responsible for the grave situation in which many Albanian workers and citizens have found themselves in Kosovo and Metohija.

59. The files of the judiciary in Kosovo and Metohija show that not a single person, meaning not a single union leader or UNSK activist, has ever been prosecuted for an offence or a crime committed in the course of union activities, but that a number of fines were pronounced for the offence of failing to report a gathering in keeping with the provisions of the Law on Public Order.

60. Numerous appeals and attempts, addressed by the administrative agencies and enterprises to the Albanian workers who had abandoned them to return to work, were in most cases totally ineffective, i.e. were boycotted. Ninety-five per cent of Albanians have not returned to their places of work. The homogenization of the Albanian national minority, achieved by provoking the feeling of persecution and general mobilization against all institutions of Serbia, gained the upper hand over the protection of Albanian workers' vital interests. Recognizing the pernicious nature of the method of massive walk-outs, UNSK revised their stand later on and called for a massive return to work of all workers whose employment was terminated after 15 June 1990. The demand for the massive return to work of all who have walked out or been dismissed means disregarding the relevant laws and regulations governing employment in force and the current lack of opportunities for their productive re-employment under the altered conditions of economic operation.

61. We wish to stress that in those days, as well as today, unemployment in Kosovo and Metohija was equally widespread among the Albanian and non-Albanian population alike. According to the disaggregated population figures for 1989, the non-Albanian population in the Province was characterized by higher unemployment than the Albanian population. Thus, of the total 140,824 persons seeking employment through the provincial employment service, 116,153 were Albanians and 24,671 persons of other nationalities. Likewise, of the total 12,034 persons employed through the mediation of the provincial employment service in 1989, 8,582 were Albanians and 2,014 persons of other nationalities, which bearing in mind the qualification pattern of the population gives no grounds for any claim of alleged discrimination of the Albanian population in the area of job placement.

62. It should be stressed that the total number of job-seekers, as well as the number of new applicants per month, have declined ever since 1990, which coincides with the period in which separatist forces set on dismembering Serbia have gained momentum. Thus, in 1990 the region of the employment

service in Kosovo and Metohija reported 147,995 job-seekers, 133,148 in 1991, and 190,041 in 1992, and according to the latest data there were 85,887 registered job-seekers in October 1993. Objectively speaking, the decline in the number of those persons cannot be attributed to their larger-scale employment, given that, in general, and due to the deteriorating economic conditions and countless difficulties caused by the sanctions imposed against the Federal Republic of Yugoslavia, the number of new job opportunities has been minimal. The decline was, first of all, due to the failure by the jobless belonging to the Albanian national minority to register or to the lower number registered with the employment services as a way of boycotting the legal administrative agencies and the competent institutions. Persons belonging to the Albanian nationality account, by the way, for the largest share of job-seekers registered with the employment services and make up around 83 per cent, as compared to 8 per cent for the Serbs, 3.5 per cent for the Muslims, 2.6 per cent for the Romanies and 0.8 per cent for the Turks.

63. At the same time, it is well known that persons belonging to the Albanian national minority are taken up on a considerable scale by the legal private sector and that they often moonlight with private firms as well. Apart from this, there are other forms in which they are illegally employed by employers engaged in operations which they have not registered or whose firms have not been registered at all.

64. However, persons belonging to the Albanian nationality have been claiming unemployment entitlements in every possible form, in cash and in kind, such as the facility to purchase certain products at a discount, or rebates on payments and in meeting various other liabilities.

65. The latest figures on newly-registered job-seekers in October and November 1993, which show that the number of newly registered has doubled, prove that those persons only tend to register with the employment service when they can claim an unemployment allowance or any other form of social welfare. According to the official statistics, the monthly cash allowance is claimed on average by 4,370 job-seekers registered with the employment service, of whom 98 per cent are Albanians. Apart from that, when it comes to announced vacancies to be filled, they participate on an equal footing and take up jobs by meeting identical qualifying requirements as all other unemployed persons, i.e. it all remains a matter of their own individual choice.

66. The first Constitution of the Federal Republic of Yugoslavia (art. 60) and the Constitution of the Republic of Serbia (art. 30) guarantee the right to health care to all citizens without distinction as to religion, race, gender or nationality. This right is laid down in detail in the Law on the Health Care of the Republic of Serbia (Official Gazette of the Socialist Republic of Serbia, Nos. 45/90 and 17/92) and in the Law on Health Insurance (Official Gazette of the Socialist Republic of Serbia, No. 18/92).

67. The Law on Health Care lays down the principles and general conditions for the organization and operation of the health services, the establishment of health care institutions, their scope of activity and type, fund-raising for their work, supervision of the technical work of those institutions and the like.

68. Citizens are provided with health care by health care institutions in conformity with the Law on Health Care and the health insurance enactments.

69. The provision of health care to the citizens of Kosovo and Metohija is one of the priority tasks in Serbia and is accorded special attention. The development of the health service in this province in the post-war period, in view of the grave economic conditions, has been remarkable and achieved in a relatively brief time. A medical faculty has been established with 20 specialized clinics and institutes, a public health care institute, a blood transfusion institute, and a network of other health institutions including 4 medical centres and 24 public health homes and pharmacies (a total of 50 health institutions). They employ 2,084 physicians, 321 dentists, 90 pharmacists and 6,580 health workers with post-secondary and secondary school qualifications, as well as 3,386 non-medical workers and associates. Between 64 and 66 per cent of persons employed in the health services of the province belong to the Albanian national minority.

70. The health care service of Kosovo and Metohija operates as an integral part of the single health care system of the Republic of Serbia and ensures the enjoyment of the right to health care by the citizens of the province in an identical manner to that by citizens in other parts of the Republic.

71. Regardless of the efforts geared to ensuring effective development of the health care service and the results scored in improving the health status of the population of the province of Kosovo and Metohija, certain allegations were made to the effect that the quality of work performed by the service was not in line with the level of development and with professional-medical principles recognized worldwide. The reports, made on the basis of supervision of professional work done, as well as spot-checks by competent committees made up of the most renowned experts from all over Yugoslavia in 1990, pointed to the unfavourable conditions and numerous problems in the provision of health care, mainly due to uneconomic organization of the health service and the inadequate quality of the delivered health care service. This was also reflected in the data on the inadequate rate of immunization and other measures within the health care programme, insufficient use of professional-methodological practices, poor hygienic conditions not only in towns and villages but also in numerous health institutions in the province, lack of systematic work on introducing more up-to-date practices of eradicating, preventing, treating and rehabilitating the sick and the wounded.

72. With the worsening political circumstances in the province and deteriorating ethnic relations, the relations between the health workers of Albanian nationality and health workers of other nationalities were dramatically upset due to the outvoting of the non-Albanians by the health workers of the Albanian national minority. In numerous health institutions, there was a total split in the staff and a parallel organization emerged within the same institution, based on nationality affiliation. Numerous Albanian doctors, taking an active part in the political drives of the Albanian separatists or under pressure from the latter and exposed to direct threats, put their medical practice in the service of the tenets and policies pursued by the separatists. Their activity was based on a different treatment of patients depending on their nationality affiliation. Health workers belonging to the Albanian national minority refused to deliver health care

services to citizens of Serb, Montenegrin and other non-Albanian nationality. Because of this attitude, expectant mothers of Serbian and Montenegrin nationality, as well as the sick and the wounded, started increasingly to give birth or to seek health care outside the province, in other parts of Serbia.

73. The state of the health sector in Kosovo and Metohija was also adversely affected by the very pronounced practice of unlawful disposal of financial resources and financial mismanagement. The economic standing of the health institutions in the Province worsened ever more.

74. To remove grave imbalances, abuse and unlawful transactions and to ensure normal delivery of health care services, the required level of hygiene in health institutions and the required professionalism, the Assembly of the Socialist Republic of Serbia passed a decision on stop-gap measures in 13 health institutions in the Province (4 medical centres, 7 public health homes, the Medical faculty and the Provincial Public Health Care Institute).

75. A number of health and other workers belonging to the Albanian national minority did not accept the measures of the Assembly of the Republic of Serbia. Expressing their resistance quietly or publicly, they started abandoning wilfully their work posts, discharged their duties irregularly or tardily, refused to carry out orders of their superiors, and so on. In the second half of 1990 some 1,200 workers belonging to the Albanian national minority abandoned wilfully their work posts in health institutions in this manner. They included 192 doctors. In the subsequent months, another 410 or so workers followed suit. However, only a small number of those workers were dismissed on account of lack of discipline and obstruction of the work process.

76. In the course of enforcement of the stop-gap measures, proposals were made for the vacancies on the interim management boards at various health institutions to be filled also by health workers belonging to the Albanian national minority. They most often refused to take up such duties, invoking different reasons, but the principal reason was evidently their fear of reprisals by the separatist movement and threats which they received along those lines. Cases were reported of health workers of the Albanian national minority at first accepting duties on the interim boards and two days later asking to be relieved of such duties; typically, they refrained from giving an explanation for such a course of action.

77. The cuts in the labour force of the health institutions in Kosovo and Metohija called for the supply of health personnel and teams from the Republic of Serbia to assist in the delivery of health services to the population of this province. Medical teams numbering from 60 to 118 persons spent 14-day shifts in Kosovo and were supplied from Belgrade, Niš, Vojvodina and 15 other health centres. A total of over 3,000 health workers were assigned to Kosovo and Metohija including numerous doctors, university professors and specialists in the most sought-after branches of medicine; some branches were supplied entirely with experts from Serbia.

78. Apart from that, the publicly announced vacancies were filled by new workers, including persons belonging to the Albanian national minority. The vacant work posts were filled as a rule by jobless health workers living in

the province. Nevertheless, the lower number of Albanians taken on to fill the vacant posts in the health care system of the province reflects the psychological and political pressure they have been exposed to by the separatist movements.

79. The new laws of the Republic in the field of health care passed in 1992, the Law on Health Care (Official Gazette of the Socialist Republic of Serbia, No. 17/92) and the Law on Health Insurance (Official Gazette of the Socialist Republic of Serbia, No. 18/92), and the relevant by-laws and enactments have further ensured equal treatment of all health care beneficiaries, regardless of their nationality, confession and economic or other standing. Health institutions, the health inspectorate, the competent agencies of the Republic of Serbia and the commune concerned are under the obligation to supervise the delivery of health care services and simultaneously monitor the state of human rights in the field of health care in this region.

80. The principled stand of health workers to extend adequate health care to whoever may request it regardless of his nationality, confession or any other feature lays the groundwork for regaining the lost confidence of patients of all nationalities in the health service in this region.

81. The Constitution of the Federal Republic of Yugoslavia lays down the right of national minorities to public information in their native language and the Constitution of the Republic of Serbia guarantees to every citizen the freedom of expression, of national affiliation and culture, and the freedom to use his own language and script. The legal regulation of the rights of national minorities in this field in the Republic of Serbia and the Federal Republic of Yugoslavia are in agreement with the CSCE documents. Thus, for instance, there are a large number of newspapers published and radio and television broadcasts in the national minority languages (Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Albanian, Turkish, Bulgarian and Gypsy). All media productions in national minority languages are edited by persons belonging to the minorities concerned.

82. A total of 98 papers and magazines come out in the Republic of Serbia in the languages of national minorities and the Radio Television Serbia (RTS), apart from any local and regional radio stations, has daily television and radio broadcasts in Hungarian, Albanian, Slovak, Romanian, Ruthenian, Bulgarian and Turkish.

83. In Kosovo and Metohija, 12 papers and magazines are published in the Albanian language. The daily Bujku has a circulation of 25,000 copies, the weekly Skhandia 18,000 copies, Zeri 20,000 copies, Fjalja 22,000 copies; and the monthly Ditari Islami has a circulation of 22,000 copies. Topical periodicals in the Albanian language include Kosovarja, Jeta E Re, Parparimi, Thumbi, Bat, Pioneri and Gep, highlighting a variety of issues, such as research, technology, the social status of women, etc. In addition, television and radio programming in Albanian are broadcast by RTS-RTV Priština, lasting 14 hours, and a local radio station. A 30-minute news bulletin in Albanian is also broadcast daily by RTV Belgrade.

84. Bearing in mind the talks held between the representatives of the Federal Government and the three-member CERD mission, the Federal Government is

willing, as convened to the CERD mission during their visit to Belgrade in December 1993, to suggest as the first step towards opening a dialogue in the field of education the proposal by the Federal and Republic Governments on the normalization of education in Albanian as presented on the eve of the eighth session of the Working Group on Minorities of the Geneva Conference. As for the area of health and employment, the Federal Government has suggested the return of all medical personnel and employment of the unemployed who are willing to work for the government and for the social services, institutions and enterprises who have not been accused of any criminal offences, in line with the available job opportunities in view of the prevailing economic conditions.

Measures taken by the Federal Government to protect human and minority rights in order to give effect to the Convention

85. The Government of the Federal Republic of Yugoslavia has taken measures, within the scope of its activity, to give effect to the provisions of the Convention, i.e. measures to protect human and minority rights.

86. The foremost task facing the Federal Government, which it has pursued with all available means, is to take measures to ensure a subsistence level for all citizens of Yugoslavia given that the grave economic crisis and hyperinflation have led to a dramatic fall in living standards throughout the country. The Government has adopted the Programme of Economic Recovery, launched on 24 January 1994 and designed to break the neck of inflation and impose financial and monetary discipline.

87. The wartime operations in Yugoslavia's immediate neighbourhood, the effects of the war and the sanctions in evidence throughout the Federal Republic of Yugoslavia have led to a rise in the crime rate. In certain parts of the country, such as the Autonomous Province of Vojvodina in Serbia and the town of Pljevlja in the Republic of Montenegro for example, cases have been reported of pressure on persons belonging to national minorities, particularly Croats and Muslims, in the form of threats, assaults, threatening phone calls and also, in some places in the form of serious crimes.

88. In the Republic of Montenegro, and in the town of Pljevlja in particular, the security situation was destabilized especially in 1992, which led to the cooling of ethnic relations, a number of terrorist raids, and to the throwing of explosive devices and grenades on facilities owned by Muslims.

89. The small town of Pljevlja (with a population of 45,000) is located in the part of the Republic of Montenegro bordering on the war-torn areas of Bosnia-Herzegovina. It has a mixed Serb, Montenegrin and Muslim population. The war conflagration in neighbouring Bosnia has provoked not only ethnic intolerance and hatred but also terrorist raids against persons belonging to other nationalities, primarily involving the planting of explosives in shops and residential buildings. (According to the data of the Interior Ministry of the Republic of Montenegro, during 1992, over 80 such blasts were registered, of which 30 were in Pljevlja, 25 in Bijelo Polje and 13 in the capital of Podgorica.) However, the situation was the worst in Pljevlja, as testified by the larger number of planted explosive devices. Apart from the planted explosives and arson, the population was also prompted into action against the

Muslims by the activities of individual national parties with ultra-nationalist programmes, i.e. by extreme pressure applied by such parties which resorted to verbal threats and openly called on the Muslims to move out. According to the data of the Interior Ministry of the Republic of Montenegro, in the course of this year several hundred Muslims moved out of this commune, which also includes a number of villages around Pljevlja, and left mainly for Turkey, Macedonia and Germany. Mention should however be also made of some one hundred persons of Serb or Montenegrin nationality who moved out of Rozaje in the same period. The National Assembly of the Republic of Montenegro has discussed this situation on a number of occasions so far and instructed the competent local authorities to take resolute action to defuse tension. To that end, the authorities have taken the following measures:

(a) Thirteen cases of planting of explosives in buildings owned by the Muslims have been elucidated, the suspects arrested and investigation undertaken by the competent court of law;

(b) Indictments have been served against a total of 21 residents of Pljevlja and of Bijelo Polje nearby (which is also the seat of the State Prosecutor in charge of the district as a whole) who stand accused of acts of terrorism against Muslims. Nine of the accused are suspected of occasionally crossing over into Bosnia-Herzegovina, so the court will also assess their activity across the border. All persons against whom investigation has been undertaken belong to the Serb or the Montenegrin nationality;

(c) Police reinforcements have been sent to Pljevlja, particularly since September, thus consolidating the overall civil security, so there have been no further threats nor pressure applied nor explosives planted against the Muslims;

(d) Throughout Montenegro resolute measures have been taken since August to seize illegally owned weaponry from civilians. As a result, 500 items of different armaments, ammunition and explosives have been seized;

(e) The Interior Ministry of the Republic of Montenegro has undertaken an inquiry against 11 police officers in places where public security has come under threat and initiated an investigation to establish whether any mistakes were made in efforts to maintain public law and order. According to the preliminary analyses, this was due to negligence, but, to find out more, the findings of the official enquiry which is under way are needed.

90. We also wish to point out that the Higher Public Prosecutor in Podgorica has submitted a request for an inquiry to be conducted against four persons suspected of having committed homicide in Bistričko Naselje, Nikšić and, simultaneously, provoked ethnic and religious hatred, discord and intolerance. The said persons are currently held in detention.

91. According to the data of the Federal Government, the pressures and displacement along nationalist lines have ceased. It is quite clear in this case as well that the authorities of the Republic of Montenegro have neither provoked nor encouraged ethnic cleansing, so that speaking about an "official policy" would here be out of the question.

92. The civil war in the former Yugoslav Republic of Bosnia-Herzegovina, as well as the surge of Muslim fundamentalism, have also led to tension mounting in the Raška district, a border area inhabited by an ethnically mixed population identical in composition to that of its war-afflicted neighbourhood. A number of Muslims from this area joined the war effort in Bosnia-Herzegovina, i.e. the Muslim military units and police formations in Sarajevo, which has led to the further worsening of the overall situation.

93. The economic conditions in the Raška district, which was an economically underdeveloped region in the former Socialist Federal Republic of Yugoslavia, have deteriorated significantly in the past two years. This has been due especially to the United Nations Security Council sanctions.

94. The Federal Government received in August 1993 the so-called Memorandum on the Establishment of Special Status for Sandžak from the Muslim National Council of Sandžak, i.e. a demand for territorial and political autonomy to be established in the Raška district. The purpose of this act is to form a national Muslim state with legislative, executive and judicial powers. The Federal Government decided that this act called into question the territorial integrity of the Federal Republic of Yugoslavia, or rather of its constituent republics, their sovereignty and constitutional order.

95. We wish in particular to point to the facts relating to the arrest and judicial proceedings taken against 25 Muslims from the Raška district, namely: Hajriz Kolašinac, Fadil Ugljanin, Hajro Aljković, Džemail Etemović, Šefćet Gračanin, Mustava Alić, Hode Jakupović, Ibrahim Fahović, Alija Halilović, Jonuz Škrijelj, Adem Hasić, Šefkija Rašljanin, Safet Zilkić, Rifat Dupljak, Nedžib Hodžić, Hajriz Fejzović, Zekrija Hajrović, Asim Šećierović, Mersat Plojović, Nasuf Halilović, Murat Mušić, Zuhdija Hodžić, Jakub Hodžić, Mirsad Hodžić, and Šemsudin Kučević.

96. The District Public Prosecutor in Novi Pazar indicted the above-mentioned persons on 18 October 1993 on suspicion of having committed the criminal offence of violating the territorial integrity of the Federal Republic of Yugoslavia, and 17 persons of those 25 suspects have also been accused of procuring without permission, keeping, wearing, manufacture, exchange or selling of firearms or explosive substances.

97. According to the bill of indictment, in the period from May 1991 to May 1993 the suspects formed military and police formations and units and the Main Headquarters for Sandžak and main municipal HQs. They trained sabotage groups in handling infantry weapons and explosives, the so-called "black threesomes" were formed for quiet liquidation of individuals, and sabotage raid plans were developed (targeting military barracks, particular railway sections, bridges, municipal water supply, radio stations, etc.). Apart from training in the country, a certain number of persons have also received training in Turkey.

98. There are plans, drawings, maps, lists and documents testifying to the preparation of terrorist raids. Thus, for example, a plan for Sjenica has been developed dividing this commune up into regions, setting up HQs for each,

determining strategic thrust of action, peak elevation markings and facilities to be captured. The plan further envisages the required manpower to carry out the above tasks and included lists of names of Muslim men fit for military service.

99. A certain quantity of weapons, ammunition and explosive materials was seized from arrested persons who were unable to produce the required licences. There is also other evidence (written orders) testifying to the distribution of armaments and ammunition, as well as to the collection of medical supplies. Thirteen persons stand accused of having taken part in a drive to steal a total of 260 kg of explosives from a warehouse near the quarry at Tutin.

100. Apart from wartime plans for the Raška district, maps and drawings of terrain required for conducting combat operations in this area, a decision was also taken to set up a corridor in between Bosnia and the so-called Sandžak to connect the following towns: Foča, Goražde, Čajniče, Rudo, Višegrad, Pljevlja and Priboj.

101. Without prejudice to the court ruling on this case, we have only wished to appraise you of the facts and evidence collected in the course of investigation on the basis of which the bill of indictment has been served in order to show that this is by no means a political process, let alone a judicial process taken because of a person's belonging to a minority community or a political organization.

102. Ethnic intolerance between Hungarians, Croats and Serbs has been registered in the following towns and villages: Nikinci, Ruma, Ruski Krstur, Golubinci, Kukujevci, Novi Slankamen and Beška. Particular problems have arisen at Hrtkovci where some 500 Serb refugee families have taken refuge after fleeing Croatia, including 350 veterans. Some 200 families or around 600 persons have moved out of the village of Hrtkovci into Croatia mostly after having swapped their real estate in a legal procedure. A large number of Croat youths have signed up for the National Guard (ZNG) and villagers belonging to the Croat nationality have raised considerable funds in aid of Croatia's struggle, for which they have been particularly commended by President Tudjman. The "Hrtkovci case" was bloated mostly by foreign mass media, which went about the whole problem in an inadequate manner, passing in silence over the ethnic cleansing which occurred at the same time in Croatia, which resulted in the exodus of 350 Serb veterans with their families to Hrtkovci alone.

103. The joint drive of the Federal Ministry of Justice, the Interior Ministry and the Ministry of Justice and the Interior Ministry of the Republic of Serbia and the visit by the Federal Minister for Human and Minority Rights have brought the whole matter to an end. Peace and order have been restored and the personal and material safety of all citizens have been guaranteed without distinction as to national affiliation. To that end, the following measures have been taken:

(a) Reinforcement of the police force and patrols in villages where there are no police stations;

(b) Twenty cases of planted explosive devices and use of hand grenades have been elucidated and investigated and 12 persons have been taken into custody;

(c) Eight complaints have been filed for criminal offences and eight persons arrested and accused of the criminal offences of violation of the freedom and rights of persons belonging to another nationality and judicial proceedings against such persons have been completed or are continuing;

(d) One hundred and forty-five persons have been identified and handed over to the courts for wearing weapons without licence and the haul of the raids in question included a large quantity of weapons and ammunition.

104. Although, generally speaking, "disappearances" are not frequent in the territory of the Federal Republic of Yugoslavia, it has to be noted with regret that on two occasions citizens of the Federal Republic of Yugoslavia, mainly Muslims, have been abducted and that unfortunately the abductions have remained unresolved so far. The two cases of disappearance - the first on 22 October 1992 when 17 persons belonging to the Muslim nationality were abducted and the second on 27 February 1993 when 19 persons were abducted of whom 18 were Muslims and one was a Croat - have remained unresolved although certain arrests have been made on their account. The main obstacle in the investigation is the fact that both kidnappings (one at Sjeverin, and the other at Žepča) took place outside the territory of the Federal Republic of Yugoslavia, namely in the Republic of Srpska.

105. As for the armed clashes going on in the territory of the former Bosnia-Herzegovina, the Federal Government wishes to remind the esteemed Committee members that in the civil war being waged in the territory of the former Bosnia-Herzegovina, the human rights of members of all three constituent peoples (Serbs, Croats and Muslims), as well as of other citizens living in that region, are being grossly and repeatedly violated.

106. The Federal Republic of Yugoslavia has explicitly called for the immediate cessation of wartime operations and for the signing of a peace accord.

107. Accordingly, the Federal Government condemns, and urges the punishment of, perpetrators of war crimes, crimes against peace, crimes against humanity and other forms of gross violation of human rights without distinction as to their national affiliation.

108. In that connection, the Government of the Federal Republic of Yugoslavia and the competent agencies have taken and are taking measures to expose and punish the perpetrators of such criminal offences, as well as to remove the causes of massive and gross human rights violations in the territory of this former Yugoslav republic.

109. The Federal Government points out that with the pull-out of the former Yugoslav People's Army (JNA) from the territory of the former Bosnia-Herzegovina there are no longer any members of the Yugoslav Army in that former Yugoslav republic.

110. The competent agencies of the Federal Republic of Yugoslavia have recently launched a resolute drive to disarm all unlawfully armed persons. Thus, action has been taken at the District Court of Leskovac against four persons accused of committing the criminal offence of procuring without authorization, wearing, manufacturing, exchange or sale of firearms, ammunition and explosive devices under article 33 of the Law on Weaponry and Ammunition of the Republic of Serbia. The said persons are also being prosecuted for committing the criminal offence of attempted homicide. All four defendants, citizens of the Republic of Serbia and Serbs by nationality, sought in June 1993 to put to death the refugees in the village hospital at Veliki Grabovci in the commune of Leskovac. Some 90 persons were being treated at the hospital of whom 75 were Muslims, 14 were Croats and one was a Serb woman. The defendants committed the criminal offence by throwing a bomb and by activating a mobile missile-launcher. Thus, they inflicted light bodily harm on a Serb woman and a Muslim woman and deliberately threatened the lives of other persons, mostly children and women. The defendants have been ordered to remain in custody.

111. The District Public Prosecutor in Šabac (Republic of Serbia) has filed a request for inquiry to be made with regard to a person of Serbian nationality, a citizen of the Federal Republic of Yugoslavia on suspicion of having committed a war crime against civilians under article 142 of the Criminal Code of the Federal Republic of Yugoslavia. There is reason to believe that on 10 June 1992 the defendant shot down 17 persons of Muslim nationality at the Cultural Centre at Čelopek near Zvornik (in the territory of the former Bosnia-Herzegovina) where a large number of civilians of Muslim nationality from Divač had gathered, and then transported the bodies to the nearby gravel plant where he killed another 4 persons also of Muslim nationality. He is further suspected of having shot down 19 persons at the same place with an automatic rifle and wounded another 13 on 27 June 1992. All victims were Muslims by nationality. The defendant is charged with having taken for questioning another 34 persons from the Cultural Centre at Čelopek. He reportedly took them in an unknown direction and their fate remains unknown. An inquiry has also been undertaken against the same defendant for raping a Muslim woman at Radaje by Mali Zvornik (Republic of Serbia) on 21 July 1993 and robbing her of DEM 1,000.

112. The Higher Court of Podgorica (Republic of Montenegro) sentenced four persons to 20 years in prison each (the maximum sentence) for the criminal offence of homicide under article 39 of the relevant law of the Republic of Montenegro. The convicts, who belonged to the special territorial defence units of the Republic of Srpska, put to death under a previous agreement a three-member Muslim family from the former Bosnia-Herzegovina. The crime took place in the territory of the Republic of Montenegro, to which the family had fled for shelter.

113. Proceedings are under way at the Military Tribunal in Niš against a person who has put to death seven persons of Croat nationality at Kijev Do in the commune of Trebinje.

114. Investigation is under way at the District Court of Šabac to establish the responsibility of two persons who stand accused of war crimes against the civilian population, under article 142 of the Criminal Code of Yugoslavia, perpetrated in an area of the former Bosnia-Herzegovina.

115. Criminal proceedings are under way at the Military Court of Belgrade against a person who has put to death two prisoners-of-war belonging to the enemy formations.

* * *

116. The Government of the Federal Republic of Yugoslavia wishes, in conclusion, once more to underline its willingness to establish open cooperation with the Committee, as well as to reiterate that ensuring efficient and effective protection of human rights and minority rights in the territory of the Federal Republic of Yugoslavia is its primary concern.

Annex

INFORMATION ON THE NEGOTIATIONS CONCERNING
EDUCATION ISSUES IN KOSOVO AND METOHIJA

1. The education of the Albanian ethnic community in Kosovo and Metohija was the subject-matter of year-long talks between the Federal and Republican education authorities, representatives of the Geneva Conference, headed by Mr. G. Ahrens, and the representatives of Kosovo and Metohija Albanians. The talks were conducted within the Subgroup for the Education Problems in Kosovo and Metohija of the Working Group on Ethnic and National Communities and Minorities of the International Conference on the Former Yugoslavia in the period between October 1992 and June 1993.

2. The programme of the Federal Government for the solution of the problems in the field of the education and culture of the Albanian minority in Kosovo and Metohija, adopted on 10 September 1992, provides for the following principal measures:

Solving urgent education problems, i.e. normalization of Albanian language instruction, reinstatement of teachers and the recognition of two previous years;

Respect for cultural specificities of Albanians in school programmes;

Improving the quality of education and the development of intercultural communication.

3. The first meeting of the Subgroup was held on 13 and 14 October 1992 in Pristina. In an atmosphere of cooperation-building, it was agreed that Albanians should submit to the Working Group elementary school programmes for the Albanian language instruction so that contentious issues could be considered.

4. The next meeting was held in Belgrade on 22 October 1992, when Albanian representatives requested revision of the previous agreement: they went back on the "step-by-step" method (solving problems first in elementary, then in secondary and finally in university education), demanding categorically that the education system they had under the 1974 Constitution be reintroduced and that the problems of all education levels be solved at the same time.

5. The failure of these negotiations brought about an impasse in further talks: first, Albanians refused to come to a meeting in Novi Sad on 11 November 1992 for political reasons. On that day Ambassador Ahrens had a meeting with members of other minorities, which Albanians refused to accept.

6. The next meeting, in Geneva on 17 November 1992, was not attended by the representatives of the Federal and Republican authorities, because of the position of the Government of the Republic of Serbia that the question of education in Kosovo and Metohija is an internal question and that going to Geneva would have meant the "internationalization of the problem of Kosovo and Metohija". The representatives of the Federal Government also failed to

travel to Geneva in these circumstances since they could not take over the obligations which, according to the Constitution, can be implemented only by the Republican Ministry.

7. For the same reasons, the representatives of the Government of Serbia did not attend the next meeting in Geneva, on 3 December 1992, when a draft programme was finally handed over to the then Federal Minister for Education and Culture, Mr. I. Ivic.

8. The next meeting, in Pristina on 9 December 1992, failed to yield satisfactory results, too: Albanian representatives continued to insist on the reintroduction of the education system they had before the change of the Constitution of Serbia.

9. The subordination by the Albanians of the educational and pedagogical problems in Kosovo and Metohija to the question of the political and constitutional status of the Province lead to the failure of the Geneva meeting, held on 26 and 28 January 1993, to produce concrete results.

10. On 16 and 17 February, the representatives of the Government of the Federal Republic of Yugoslavia and the Republic of Serbia came out with proposals for an urgent solution of education problems and the normalization of the Albanian language instruction which also constituted the initial basis of the Platform prepared for the 8th meeting of the Subgroup (7 and 8 April 1993):

(a) Acceptance, as a point of departure, of the Albanian language instruction programmes from 1990 which were devised with the largest level of autonomy on the part of Albanians in the field of education;

(b) Reinstatement of Albanian language instruction teachers dismissed after the interruption of education in Kosovo and Metohija, bar the few who committed flagrant violations of the law and for whom the Government was required to proffer individual explanations of their unsuitability to participate in education;

(c) Recognition of the time spent by students in the "parallel" Albanian language education system;

(d) The same model of normalization of the Albanian language instruction would be applied to the secondary education as well;

(e) All proposed solutions were to be of a temporary nature until a final normalization of the situation in Kosovo and Metohija.

11. At the suggestion of the education representatives from Kosovo and Metohija, the Government side accepted that:

(i) The same model for the solution of problems be applied also to university education, with respect for the specificities of problems at this educational level; and

(ii) Agreements on the normalization of instruction at all levels be worked out successively, while the implementation of solutions made would begin simultaneously at all levels.

12. Albanians were go give their views about these proposals at the next meeting in Geneva, scheduled for 7 and 8 April 1993, which they boycotted because of the arrest of E. Statovci.

13. At a meeting with Mr. G. Ahrens on 21 April 1993 in Belgrade, the Federal Minister for Education and Culture, Dr. Slavko Gordic, informed him of the two principal positions of the Federal Government on the question of the Yugoslav side approach to further talks on the Albanian language instruction in Kosovo and Metohija:

(a) The negotiating framework is the Constitution of the Federal Republic of Yugoslavia, which defines Kosovo and Metohija as part of Serbia and Yugoslavia, which has been confirmed also by the London Conference on the Former Yugoslavia;

(b) Only educational and pedagogical problems can be considered within the Subgroup (the Working Group is not mandated to prejudge political solutions and constitutional and legal changes).

14. It was agreed that solutions brought by the Subgroup constituted proposals to be submitted to the Federal Government for adoption.

15. On 26 May 1993 a meeting was held between the representatives of the Federal, Republic and Provincial education authorities with Mr. G. Ahrens, who transmitted the information that the representatives of the Kosovo and Metohija Albanians had accepted in principle the proposals of the Federal and Republican Governments and suggested that compromise solutions were to be sought in future talks which would circumvent Albanian demands to have school facilities ceded unconditionally and the instruction at the university level normalized as a matter of priority.

16. However, Albanian representatives failed to appear at the planned trilateral meeting in Pristina on 9 June 1993, explaining that they allegedly had not understood that the meeting had been convened for that date and that they were not ready for it. Refusing to hold the meeting in the "Jedinstvo" building because of the cessation of the publication of "Rilindja" and the ongoing strike, they handed Ambassador Ahrens a document for Lord Owen and Mr. Stoltenberg with the "Albanian side's requests for the solution of the problem of the education of Albanians from Kosovo". Among other things, these requests re-include the unconditional ceding of school facilities and the insistence that the solution of the question of Albanian language education be left to Albanians alone.

17. On that occasion Ambassador Ahrens distanced himself from infringing upon questions of political autonomy, emphasizing that the consideration of ceding school facilities could only follow and not precede an agreement.

Causes for the interruption of talks

Refusal by the Albanians to recognize the competence of the Republic of Serbia in the question of Albanian language instruction;

Demands for a larger autonomy than is granted to other national minorities in the Federal Republic of Yugoslavia;

Attempts to relate educational and pedagogical questions to political ones; and

Avoidance by the Albanians of making their views known on the proposals of the Federal and Republican Governments and their presentation of ever new demands.